

DATE

Louis Trachtman, MD, MPH
79 Versailles Blvd.
New Orleans, LA 70125-3550

RE: Docket No. 2022-074
Advisory Opinion

Dear Dr. Trachtman:

The Louisiana Board of Ethics (“Board”), at its April 8, 2022 meeting, considered your request for an advisory opinion as to whether the Code of Governmental Ethics (“Code”) would prohibit you from accepting an e-Gift certificate from the Tulane University School of Medicine’s Preventive Medicine Residency Program, while you are a part-time employee of the Tuberculosis Control Program (“TCP”) of the Louisiana Office of Public Health (“OPH”).

FACTS PROVIDED

You are a part-time employee of the TCP, where you work sixteen (16) hours per week as Medical Director. The TCP is a program within the OPH (an office of the Louisiana Department of Health). The mission of the TCP is to protect the health of the people of Louisiana by reducing tuberculosis-related morbidity and mortality in all areas of the state. The TCP strives to reduce tuberculosis morbidity and mortality by using patient-centered, evidence-based practices for prevention, detection, treatment, and education (for patients, workplace settings, healthcare workers, and the general public).

For most of your medical career, you served, voluntarily, on advisory committees of the Preventive Medicine Residency Program of the Tulane University School of Medicine. You gave up membership on those committees in 2021. As a gesture of thanks for your voluntary service, the head of the Preventive Medicine Residency Program sent you an e-Gift Certificate for Chewy.com for \$150. This gift could be used to purchase items online for your pet dogs. The e-Gift Certificate was given to you to acknowledge your longtime membership on the Advisory Committee to the Tulane Preventive Medicine Residency Program. Your agency, the TCP, does not have a contractual relationship with the Tulane School of Medicine.

LAW

La. R.S. 42:1102(2)(a)(i) defines “agency” to mean a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity. “Agency of the public servant” and “his agency” when used in reference to the agency of a public servant shall mean for public servants in the twenty principal departments of the executive branch of

state government, the office in which such public servant carries out his primary responsibilities.

La. R.S. 42:1115A(1) prohibits a public servant from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to have a contractual, business or financial relationship with the public servant's agency.

ANALYSIS

Your agency is defined as the office in which you carry out your primary responsibilities, if you serve one (1) of the twenty (20) principal departments of the Louisiana State executive branch, pursuant to La. R.S. 42:1102(2)(a)(i). The TCP is a program of the Louisiana Department of Health. La. R.S. 42:1115A(1) prohibits a public servant from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to have a contractual, business or financial relationship with the public servant's agency. Tulane University School of Medicine does not have a contractual relationship with the TCP, which is your agency.

CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, the Code does not prohibit you from accepting an e-Gift certificate from the Preventive Medicine Residency Program, while you are a part-time employee of the TCP.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

LaToya D. Jordan
For the Board